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EU as a Peacebuilder

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TABLE OF CONTENTS

DIPLOMACY HAS TO BE REINFORCED BY ABILITY TO PROVIDE ALL NECESSARY SUPPORT TO OUR PARTNERS	3
<i>Interview with Petras Auštrevičius, Member of the European Parliament</i>	
EU PEACE INITIATIVES IN THE PALESTINIAN-ISRAELI CONFLICT: PRINCIPLES AND ACTIONS	5
<i>Anastasiia Gerasymchuk</i>	
THE EU AND THE IRANIAN NUCLEAR PROGRAMME: IS VENUS WEAKER THAN MARS?	14
<i>Polina Sinovets and Valeriia Gergiieva</i>	
EU PERSPECTIVES FOR MEDIATION AND PEACEKEEPING IN UKRAINE	21
<i>Christine Karelska</i>	
BUILDING PEACE THROUGH POLICING? THE EU AND POLICE REFORM IN BOSNIA AND HERZEGOVINA AND UKRAINE	29
<i>Stiven Tremaria</i>	
AZERBAIJAN'S PROSPECT FOR THE EU'S CSDP PEACE MISSIONS	41
<i>Rahim Rahimov</i>	

EU PERSPECTIVES FOR MEDIATION AND PEACEKEEPING IN UKRAINE

Christine Karelska

Public Association "Community Associations"

In this article the author elaborates upon possible "hybrid peace" and the EU's new perspectives in resolving the conflict in eastern Ukraine in the framework of the Common Security and Defence Policy. The conflict resolution will hardly follow the classical and predetermined approach of peaceful settlement, such as the package of the Minsk Agreements I and II, for instance. Given that the "Ukraine crisis" is not a domestic Ukrainian problem alone but challenges the regional setting as well, the anticipated "hybrid peace" overshadows also wider regional politics in Europe, rather than Russian-Ukrainian bilateral relations per se. Inevitably, the involvement of external actors, such as the EU and individual states such as France and Germany specifically, is inherent to the conflict resolution in Ukraine. The author also touches upon the repercussions of the possible implementation of the so-called "Steinmeier formula" for Ukraine and European security and the role of the EU in this process.

Introduction

The "Ukraine crisis" has been a puzzle for the EU security order since 2014, although nothing too radical was offered by EU actors to the Ukrainian side in peace settlement in Donbas so as to make Russia stop the war completely. In the context of the ongoing Russian hybrid war, it is crucial to study the concept of a possible "hybrid peace" in Ukraine. Before elaborating upon the concept, I would like to more specifically point out the meaning of hybrid war. Then, the possible implementation of the so-called "Steinmeier formula" will be considered as well as the results of the Normandy Summit on 9 December 2019. Finally, there will be some recommendations about the EU's old/new perspectives for the conflict resolution in eastern Ukraine in the framework of the Common Security and Defence Policy.

Russian aggression and its hybrid war in eastern Ukraine took every state by surprise - everyone was simply numb to make a radical move against it. Each state did what it thought was appropriate at that time. As a result, it led to a swift and "peaceful" annexation of Crimea, bloody battles in eastern Ukraine, deaths of thousands of Ukrainians, and millions of questions and scenarios on how to restore territorial integrity of Ukraine.

"Hybrid war" is an undeclared act of war (illegal annexation of Crimea, atrocities in eastern Ukraine) and a way of warfare that combines kinetic (military) and non-kinetic (economic, political, diplomatic, especially information warfare, etc.) means, so the conflict resolution will hardly follow the classical and predetermined approach of peaceful settlement by an agreement (such as the Minsk Agreements I and II. The so-called "Ukraine crisis" resembles an

umbrella term for several layers/dimensions of conflict. It would be impossible to think of a single solution to the wide-ranging scope of this hybrid conflict.

The package of the Minsk Agreements, supported by France and Germany in 2014 and 2015, seemed to have stopped severe atrocities in eastern Ukraine at that time, but by 2020 a complete restoration of the Ukrainian territorial integrity has not yet taken place. There are still hot debates among Ukrainian politicians and experts on how to implement the provisions of the Minsk Agreements or whether to simply refuse them. Contradictory provisions of the Minsk Agreements that were signed back in 2015 spark disagreements.

With the election of Volodymyr Zelenskyy in April 2019, there was a rise of hope among the Ukrainians about swift ending of the war. The main message of his electoral campaign was to achieve the long-expected peace, but without specifying how. In contrast, the possible implementation of the so-called “Steinmeier formula” was met with outrage, demonstrations, and “Say No to Capitulation” campaign throughout Ukraine.

Then German foreign minister and now President Frank-Walter Steinmeier offered in 2015 a simplified sequence of steps needed for the peace settlement in Donbas. However, each side of the Minsk Agreements interprets its provisions in their own way. This formula calls for elections to be held in the so-called “DNR/LNR” territories in the framework of the Ukrainian legislation and with the supervision of the OSCE. If elections are free and fair according to the OSCE, a special status will be given to these territories and Ukraine will regain its control

over them. Volodymyr Zelenskyy said, “There won’t be any elections under the barrel of a gun. There won’t be any elections there if the troops are still there.”¹ In return, the Russian president’s spokesman highlighted that “there is no doubt that this is an important step towards implementing the earlier agreements. Hopefully, the implementation of the Minsk agreements will continue, since this is the only way to resolve the Ukrainian conflict in the country’s east.”²

It seems Russia is very eager to implement this formula as soon as possible. Moreover, the Ukrainians found out from the Russian media that Kyiv agreed to sign this formula. This step is highly condemned by the Ukrainian opposition. For them, the “Steinmeier formula” is as an act of capitulation, treason, and crossing all “red lines”. In turn, former Ukrainian President Petro Poroshenko, who signed the Minsk Agreements, is being accused by the current authorities of agreeing to some tricky provisions in the agreements.

The EU, on the other hand, perceives it as a strategic breakthrough in the peace settlement in Donbas. The French counterpart in the Minsk process, Emmanuel Macron, has recently called for a rapprochement with Russia. German Chancellor Angela Merkel looks for some rapprochement with Russia as well, especially in the context of the Nord Stream 2 project.

Normandy Summit: A Never-ending Limbo?

On 9 December 2019, the long-expected Normandy Summit took place in Paris after three years of stalemate. The mere fact of such a high-level meeting is considered to

1 C. Miller, *Explainer: What Is the Steinmeier Formula. Did Zelenskyy Just Capitulate to Moscow?* ‘Radio Free Europe/ Radio Liberty’, 12 October 2019 [https://www.rferl.org/a/what-is-the-steinmeier-formula-and-did-zelenskyy-just-capitulate-to-moscow-/30195593.html access: 04 December 2019].

2 Ibid.

be a great success and a step towards peace by all sides. But a “meeting for the sake of a meeting” cannot bring long-expected peace to eastern Ukraine overnight.

The main positive outcomes for Ukraine, according to the joint communiqué, are promises of a full and comprehensive implementation of the ceasefire before the end of 2019, an implementation of the demining plan, an agreement on three additional disengagement areas by the end of March 2020, the release and exchange of conflict-related detainees by the end of 2019 (“all for all”, starting with “all identified for all identified”³), an agreement on new crossing points along the contact line based on humanitarian criteria, safe and secure access of the SMM OSCE around the clock.⁴ All in all, however, it is not something new but a mere reiteration of provisions of the previous negotiations.

However, the main stumbling block on the negotiation table was the issue of local elections in Donbas (the implementation of the “Steinmeier formula”) and the control of the Ukrainian border. The sequence of these steps caused major disagreements. Vladimir Putin continues to insist on full commitment to the Minsk Agreements – holding local elections first and only then will Ukraine get control over its state border. Ukraine insists on security guarantees: complete withdrawal of Russian military units and then full-fledged control over its state border; after such measures, local elections in Donbas in accordance with Ukraine’s constitution can take place.

The way to the elections can be rougher than it seems, as currently the Donbas region is

deeply influenced by pro-Russian media and needs full reintegration into Ukraine, especially from a mental readiness point of view, that is to win “hearts and minds” of the local population there. During his inauguration speech, Zelenskyy pointed out that first we need to return our people and territories mentally. Such a process can take five years or even more. It is dangerous for Putin and that is why it is crucial for him to hold local elections on his terms or simply freeze the conflict.

It seems that the Kremlin is not going to modernise the Minsk Agreements, as Zelenskyy hoped. If the provision regarding the sequence of local elections and Ukraine’s control over its national border were different back in 2015, there would be no room for manoeuvre for Putin. It is obvious that the Kremlin is eager to make Ukraine implement the special status of Donbas in Ukraine’s legislation and further promote the idea of federalisation and deep polarisation of Ukraine. Nevertheless, Zelenskyy is not going to fall for this trap yet and if no political agreements are reached in spring 2020, new ways to reach peace should be looked for. In such a case, the question is whether a frozen conflict is the best scenario for the EU and Ukraine. Are there any other alternatives?

“Hybrid Peace”: A Hybrid War’s Best Bedfellow?

As a whole, international community is now on the verge of hybridisation and under the constant threat of possible spillovers from the hybrid war in eastern Ukraine. The question of “hybrid peace” as probably the main tool of the conflict resolution seems to

3 The prisoner swap took place on 29 December 2019. Ukraine received 76 captives while the so-called DNR/LNR – 124. Such an act was positively welcomed by Merkel and Macron.

4 *The Official Normandy Summit Communiqué*, 9 December 2019 [<https://liveuamap.com/en/2019/9-december-heres-the-full-normandy-summit-communique-access: 10 December 2019>].

beg itself.⁵ But is it even possible to reach any peace after a hybrid war? If the answer is affirmative, then what forms should it take and what are the main differences with a traditional conflict resolution? Or maybe, this “hybrid peace” is just a chimera and a simple continuation of the hybrid war?

According to a professor of International Relations and director of the Centre for Peace and Conflict Studies at the University of St. Andrews (UK), Oliver P. Richmond,

*...peace is not a universal concept that can be transposed identically between different contexts of conflict. Rather, unique forms of peace arise when the strategies, institutions and norms of international, largely liberal-democratic peacebuilding interventions collide with the everyday activities, needs, interests and experiences of local groups and the goals, norms and practices of international policy-makers/implementers overlap.*⁶

In other words, each armed conflict, each war is unique, and so the world community has to find some new recipes of conflict resolution for each particular case. The war in eastern Ukraine is not an exception. If we talk about a hybrid war, there should be some form of a “hybrid peace”, but it should satisfy the needs of all parties so as not to provoke further escalations, which is rather difficult to achieve. It makes us realise that each actor in an armed conflict always finds a way to disguise its actions by adapting to new realities; thus the conflict itself never stops. It takes smoothly the form of a “hybrid peace”. Even the last Normandy Summit could not resolve the conflict completely,

as each actor sees their own way out of this conflict without making any concessions.

“Hybrid peace” is some kind of alternative to the traditional liberal peacebuilding as “post-liberal (or hybrid peace) approach defines the crisis of liberal peace, at the base, as one of legitimacy.”⁷ It is more inclusive and implies active interaction between international and local actors.

In the situation in eastern Ukraine, the hybrid peace may take form of decentralisation of power in Ukraine, granting equal rights to all regions, without providing some kind of a special status to Donbas, as this may lead to negative spillover effects and undermine Ukrainian sovereignty. President Zelenskyy also made a proposal to include internally displaced persons (IDPs) in the Trilateral Contact Group so that their voice could be heard. In turn, President Putin wants direct talks with so-called “DNR/LNR” authorities. In the long term, it could potentially lead to a stalemate in the peace-building process.

The old forms and models of traditional peace building and state building do not work. That was vividly illustrated in Ukraine when international actors (France, Germany) and local actors (representatives of the so-called “LNR/DNR”) agreed to sign the package of the Minsk Agreements in 2015 but as of now failed to implement them. It seems that the long-expected Normandy Summit on 9 December 2019 has not brought anything new.

The traditional way of ending a war has not worked yet. Nevertheless, practically all politicians claimed that the Minsk

5 This section was elaborated during my studies at the College of Europe in my master’s thesis, “A Hybrid Peace in Donbas? Russia’s Hybrid War in Ukraine and the (Im)possibilities of Conflict Resolution,” 2018.

6 O. P. Richmond, A. Mitchell, *Hybrid Forms of Peace. From Everyday Agency to Post-Liberalism*, Palgrave Macmillan: England 2012, p. 1.

7 *Ibid.*, p. 2.

Agreements are the only way to end the war in eastern Ukraine. The stable international system that seemed to work like a clock shattered into pieces at once and had nothing in response to the Russian aggression in Ukraine, even though it was quite clear that the Russian Federation violated the norms of international law – “inviolability of borders, non-interference in the internal affairs of other states, prohibition of using armed forces or threats to settle conflicts and so on.”⁸ As the result, there was no appropriate reaction that could have induced Russia to stop its further aggression.

Another possible form of hybrid peace is a frozen conflict with the UN peacekeeping mission in eastern Ukraine, which can last for many years, depleting internal resources of Ukraine, which is quite attractive to the Kremlin. Such a form of hybrid peace is unacceptable as it could lead to possible future escalations and encourage Russia to continue its hybrid warfare in other countries as well. Russia is willing to achieve such a form of “peace” that would last for a very long time, giving it room for manoeuvre in conducting its hybrid warfare activities. The Russian form of “peace” will restore neither the Ukrainian borders nor the sovereignty of Ukraine in the long run.

Moreover, there will be ongoing and painful negotiations over the future status of the so-called “DNR/LNR” temporarily occupied territories within various international frameworks (Normandy Format). In hybrid warfare, local agencies should not be ignored; as it has been stated previously, the traditional liberal peace is hard or practically impossible to achieve without taking into

account the concept of the “local”. However, this concept has been constantly ignored and twisted. The Kremlin still insists on direct negotiations with the representatives of those unrecognised republics, whereas the concept of the “local” includes ordinary Ukrainians left behind Ukrainian borders and IDPs.

Hybrid peace is like a bomb that could be triggered by anything and anyone and explode when no one is prepared. Ukrainian journalist Vitaly Portnikov stressed that such a form of peace is rather “offensive” and “it is critically important that Ukraine not fall into the trap the Kremlin leader is laying. It is very important to understand that peace will not be hybrid. In a hybrid war, real people die; but in a hybrid peace, real states are destroyed. Moscow has no interest in the survival of Ukraine.”⁹

In short, there is no future perspective to achieve liberal peace in Donbas except the Russian form of a hybrid peace, which is unacceptable for Ukraine, as it will further deepen the “Ukraine crisis”, exhaust Ukraine internally, and give room for manoeuvre for Russia by adapting its hybrid warfare to new realities.

Early local elections on Putin’s terms are a time bomb for Ukraine without full control over its border and mental reintegration. The latter condition purely depends on the Ukrainian authorities and their ability to propose incentives for people in the illegally occupied territories, for instance, economic help, infrastructure projects, simplified access to administrative services, effective informational policy, etc. Thus, the Ukrainian

8 V. Horbulin, *The World Hybrid War: Ukrainian Forefront* (monograph abridged and translated from Ukrainian), Folio: Kharkiv 2017, p. 118 [http://www.niss.gov.ua/public/File/book_2017/GW_engl_site.pdf access: 12 December 2019].

9 P. Goble, *Putin’s “Hybrid Peace” More Threatening to Ukraine than His “Hybrid War”*, ‘StopFake.org’, 17 January 2018 [<https://www.stopfake.org/en/putin-s-hybrid-peace-more-threatening-to-ukraine-than-his-hybrid-war-portnikov-says/> access: 12 December 2019].

form of peace, in the form of decentralisation (which has been taking place since 2015) and active cooperation with local and international actors, seems to be the only available and reasonable solution to settle the military conflict.



currently, the main goal for the EU is not only to mitigate the armed conflict in eastern Ukraine but also to stop further Russian hybrid warfare and its negative spillovers outside Ukraine as well

Conclusions: Any New Perspectives for the EU to End the “Ukraine Crisis”?

The “Ukraine crisis” is still perceived as a severe geopolitical and security challenge for the EU and its foreign policy. So, currently, the main goal for the EU is not only to mitigate the armed conflict in eastern Ukraine but also to stop further Russian hybrid warfare and its negative spillovers outside Ukraine as well. The Ukraine crisis could have serious negative consequences for the whole security architecture of the post-Cold War world. Yet, the Normandy, as the only peace tool at hand, has not brought anything radical enough to put the Russian aggression to a complete end.

Despite all the ominous perspectives, EU actors still have new possibilities for successful mediation and peace building in Ukraine. In the framework of the Common Security and Defence Policy and the 2016

Global Security Strategy, it was vividly stated that “the EU has learnt the lesson: my neighbour’s and my partner’s weaknesses are my own weaknesses.”¹⁰ France and Germany as the parties to the Normandy Format should stick to these provisions and continue political and diplomatic pressure on Russia in a more assertive way. The “Ukraine crisis” is not only about politics between Ukraine and Russia, but also about geopolitics between Russia and the West.

“Business as usual” with the Kremlin will not strengthen the EU position as a peace mediator. During the joint press conference after the Normandy negotiations, there were no harsh reactions from Merkel or Macron towards Russia’s statements and its ongoing assertive policy in Donbas. There is still no punishment in the Minsk Agreements in case any side does not implement its provisions. Currently, forces in Donbas backed up by Russia continue to violate the Minsk Agreements and the way to peace seems thorny again.

EU sanctions have a paradoxical effect, as some sectors of the Russian economy strengthened and overall they do not compel Russia to make any concessions on Donbas or Crimea. Otherwise, it is perceived that they affect not only French and German economies to some extent but those of other EU member states (Slovakia, the Czech Republic, and Italy, etc.) as well. For six years, sanctions have still not been enough to make Russia play by international rules on a full scale. However, they flow directly from the Common Foreign and Security Policy, as they are “designed to bring about a change in policy or activity by the target country, entities or individuals.”¹¹

10 *A Global Strategy for the European Union’s Foreign and Security Policy, EU, 2016* [http://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf access: 25 December 2019].

11 *Sanctions*, Council of the European Union, 2014 [https://ec.europa.eu/fpi/what-we-do/sanctions_en access: 20 December 2019].

Because of the absence of the military arm, the EU could not offer military assistance to Ukraine. But if it did have it, Brussels would not do it either, as the use of military force would not be conducive to peace resolution in this particular conflict and would lead to its further escalation: According to the logic of the Russian foreign policy, it would be a direct incursion on its post-Soviet space.

Since 2015, the Minsk Agreements have been constantly violated and not fully implemented as the EU and the Contact Group had expected. Currently, there is no perspective that the armed conflict will be frozen or the humanitarian situation in “DNR/LNR” will improve in the near future. The Kremlin does not plan to stop its hybrid activities in order to implement the Minsk Agreements fully, and its constant covert military actions on a daily basis, as one of the main features of its hybrid warfare, are aimed to destabilise further the internal situation in Ukraine and gain some advantage before a possible future escalation or the establishment of a “hybrid peace”. In other words, the Minsk Agreements have had a reverse effect on Russia – the situation of open war change to limited war. The possible implementation of the “Steinmeier formula” will be detrimental to the regional and EU security orders. It could set a negative precedent – any annexed territory could get a “special status” and a country-aggressor would continue to challenge the norms of the international law.

The EU’s inability to resolve the “Ukraine crisis” could be posed as a Western diplomatic flop. A sound solution for the EU will be to continue to support financially Ukraine’s structural reforms and increase its military aid so as to strengthen the country internally. It can also engage Ukraine in its PESCO initiatives to increase Ukraine’s military capabilities.

As the Common Security and Defence Policy lacks real military tools, it is logical

for the EU to continue to exert its influence on its neighbourhood as a normative player, not a military one. Nevertheless, hybrid wars require radical and swift actions. The EU’s position towards Russia should be more assertive, as a statement of a deep concern does not solve complex security puzzles. The EU’s image of a passive bystander should be transformed into that of an active peace broker by real actions and strategic documents against Russian hybrid warfare.



As the Common Security and Defence Policy lacks real military tools, it is logical for the EU to continue to exert its influence on its neighbourhood as a normative player, not a military one

Apart from sanctions and financial support to Ukraine, “business as usual” with Russia, especially the Nord Stream 2 project, should be completely stopped until all annexed territories are fully reintegrated into Ukraine, including Crimea. The strategic review of the EUAM’s mandate should take place as well so as to make it more flexible together with a strong security and defence component to counter potential hybrid threats. Isolating Russia from all international platforms would send a strong signal of the EU’s intentions to finish the “undeclared war” in Donbas. Currently, it seems that it does not fall along the geopolitical lines for the EU and there is a lack of political will among EU member states and a prevailing “Ukraine fatigue”. Thus, the issue of lifting sanctions will be raised on a constant basis.

Overall, the “Ukraine crisis” is not merely a conflict between Ukraine and Russia, it is a conflict between Russia and the West; therefore, the EU should think over a more

broad strategy to prevent the negative spillovers of the Russian hybrid warfare outside the Ukrainian borders. If the EU's economic and energy cooperation (Nord Stream 2) had been completely stopped until Russia fulfilled all Minsk Agreements under Ukrainian conditions and the logic of the international law, the "Ukraine crisis" quagmire would have been patently resolved long ago. But now it seems like a distant illusion.

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